

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JULIAN MARTINEZ PEREZ and SERGIO SOLANO	:	
MENDOZA,	:	
	:	18-CV-5834 (JGK) (OTW)
Plaintiffs,	:	
	:	<u>ORDER</u>
-against-	:	
	:	
WEST SIDE PIZZA LLC, WEST SIDE 72, INC.,	:	
AKBAR HOSSAIN,	:	
	:	
Defendants.	:	
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ONA T. WANG, United States Magistrate Judge:

In reviewing Plaintiffs’ damages submissions (ECF Nos. 73, 74), it has come to the Court’s attention that the calculations of Plaintiff Mendoza’s damages are based entirely on incorrect minimum wages, which renders all of the calculations of damages, spread of hours, and interest incorrect. Additionally, counsel seek costs for service of process on entities that have no apparent connection to this lawsuit. Errors of this breadth and magnitude are especially concerning when made by attorneys who purport to practice exclusively in this area, and thus also call into question the appropriate amount for an award of attorneys’ fees.

Accordingly, Plaintiffs’ counsel are directed to review their damages calculations and submissions for Plaintiff **Martinez** and certify that they are correct as submitted. Plaintiffs’ counsel are further directed to review their calculations for Plaintiff **Mendoza**, file corrected damages calculations for Plaintiff Mendoza, certify that those calculations are now correct, and review their calculations for fees and costs as well as submit corrected calculations of the same. Finally, Plaintiffs’ counsel shall further review the entirety of their briefing for any and all errors

and certify that all facts and calculations as filed are now correct. *See, e.g.*, Mr. Faillace's Proposed Findings of Fact (ECF 73).

Plaintiffs' counsel shall file all corrected calculations and certifications by **September 12, 2023**.

Plaintiffs' counsel are directed to serve a copy of this order on the Defaulting Defendants and file proof of service on the docket.

SO ORDERED.

Dated: August 16, 2023
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge